

PROPOSED LOCAL LAW C – 2019

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) regarding housing.

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK
AS FOLLOWS:**

*(Language in strike-through ~~abcdeghijk~~ to be deleted; language in **bold** is to be added)*

Section 1.

Section 342-30(A)(1)(p) of the Code of the Village of Mamaroneck is amended as follows:

- (p) Residence uses in accordance with § 342-50, but not on Boston Post Road, on the southwestern side of Old White Plains Road northwest of Center Avenue and on Mamaroneck Avenue north of Nostrand Avenue. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)

Section 2.

Section 342-30.1(D) of the Code of the Village of Mamaroneck is amended as follows:

D. Notwithstanding the requirements of the underlying C-1 Districts, the following provisions shall apply in the TOD Overlay District:

- (1) Residence uses in the TOD Overlay District shall meet the standards for residence uses in C-1 Districts, as specified in § 342-50, except as follows:

- (a) Residence uses in the TOD Overlay District do not require a special permit.
- (b) Site size. For residential uses within the TOD Overlay District, there shall be no minimum or maximum site size requirement.
- (c) Floor area ratio. The permitted FAR for the entire building, including residential and nonresidential uses, shall not exceed 0.6 for buildings with four or fewer residential units and 0.8 for buildings with five or more residential units, except that the FAR may be increased to a maximum of 1.5, in accordance with the following provisions:
 - [1] The Planning Board may further increase the FAR by up to 0.3 for mixed-use development that includes a full-service grocery store not more than 25,000 square feet in gross floor area.
 - [2] For buildings with five or more residential units, the Planning Board may further increase the FAR by up to 0.4 if both of the following requirements are met to the satisfaction of the Planning Board:
 - [a] The developer or property owner pays an amount equal to 10 percent of the market value of the additional gross floor area allowable by the FAR bonus, as estimated by the Town of Mamaroneck Assessor, into the neighborhood stabilization fund. Payment must be made prior to the issuance of a certificate of occupancy.

- [b] The developer or property owner incorporates green building elements and/or green infrastructure as defined in this chapter into the project to the satisfaction of the Planning Board and as reviewed by the Building Inspector and/or the Village Engineer.
- [3] If ground-level retail stores, restaurants, personal service stores, clubs, dancing studios, dancing schools, or other similar uses are provided that, in the opinion of the Planning Board, will encourage an active street environment for pedestrians, the Planning Board may exempt up to 3,000 square feet of gross floor area of such use, or 1/3 of the ground floor area, whichever is greater, from the calculation of maximum FAR.
- (d) Maximum coverage: 50 percent.
- (e) Minimum required yards:
 - [1] Front: five feet.
 - [2] Two sides combined: 20 feet.
 - [3] Lesser side: eight feet.
 - [4] Rear: 25 feet.
- (f) Usable open space requirement: 150 square feet per unit. “Usable open space” means active recreation, sitting or landscaped areas open to the sky. Parking shall not be considered usable open space. On any lot containing more than 15 dwelling units, the design, layout and equipment of such open space shall be subject to Planning Board approval. For purposes of open space calculations, an “atrium” is defined as a continuous area open to a sidewalk and street which is open and unobstructed, except for sitting and landscaped areas, to a height of at least 25 feet and whose roof and wall configuration allows natural sunlight as the main light source. Rooftop and atrium open spaces that are open to all the residents of the building may account for up to 10 percent of the open space requirements.
- (2) Parking for any permitted principal or accessory use shall meet the parking requirements of § 342-56, except that for market-rate multifamily housing units, the requirement shall be one space per dwelling unit, plus 1/4 space per bedroom. For a building containing a mix of multifamily residential and nonresidential uses, the required parking for the market-rate residential units may be reduced to one space per dwelling unit, plus 1/4 space per bedroom in excess of one bedroom. Such parking for mixed uses must be shared among the uses on the site and not assigned to any one user, as acceptable to the Planning Board.

Section 3.

Section 342-31(A)(1)(d) of the Code of the Village of Mamaroneck is amended as follows:

- (d) Residence uses in accordance with § 342-50. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)

Section 4.

Section 342-50 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-50 Residence uses in commercial districts

A. Special permit criteria. The Planning Board may grant a special permit for a residence use in the C-1 or C-2 Districts if the application satisfies the following requirements, in addition to the requirements of Article X:

- (a) Separate entrances. No entrance to the residentially used portion of any structure may be through any area not used for residential purposes, other than a common lobby or plaza. The location and design of the entrance or entrances must be approved by the Planning Board as part of the required special permit application.
- (b) Reserved parking. Parking for the residences of any mixed-use structure must be in a separate lot or in a reserved section of the common parking area. The reserved section must be adequately marked, landscaped and otherwise demarcated from commercial parking. To allow for visitor parking, the Planning Board may require up to 15 percent more off-street than would otherwise be required by Article VIII.
- (c) Compatibility of use. The Planning Board may allow residence uses above or in conjunction with commercial uses only if the Planning Board determines that the proposed commercial will to be compatible with residences. In making that determination, the Planning Board must consider noise, odors, hours of operation and expected traffic volumes. Restaurants, motor vehicle service stations, public garages, printing plants, clubs, farms, transformer stations and motels are presumed to be incompatible with residence uses, but the Planning Board may determine, on the basis of proof submitted by the applicant, that those uses are compatible with residences.
- (d) Building context. In order to achieve a compatible building environment, the Planning Board may modify height, setback and yard controls. In making that determination, the Planning Board must consider the surrounding scale, height, design and setbacks of existing buildings. In undertaking this contextual evaluation, the Planning Board may request building sections and elevations, shadow diagrams showing the impact of the proposed use on adjacent property and planimetric context maps, showing all adjacent buildings with street or build-to lines.
- (e) Where a lot in single ownership is partly in the C-1 Districts and partly in an RM District, the Planning Board, upon making specific written findings as to why doing so will result in a superior building context, may modify the height, setback, yards, floor area ratio and building coverage of the lot in both the C-1 and the RM Districts, but may not allow greater density or coverage than would be permitted in both the C-1 and the RM Zoning Districts.

B. Residence uses in C-1 Districts shall meet the following standards:

- (1) Site size. The site must be less than 40,000 square feet in area, unless the site is used for below-market rate housing in accordance with Article XV of this chapter.
- (2) Floor area ratio.
 - (a) Except as provided in Article XV, the permitted total floor area ratio (FAR) shall not exceed 0.60 for developments with four or fewer residential units.

- (b) Except as provided in Article XV, the permitted total floor area ratio (FAR) shall not exceed 0.80 for developments with five or more residential units.
- (4) Below market rate dwelling units. Developments with five or more residential units must provide below market rate dwelling units in accordance with the provisions of Article XV.
- (5) Height, setback and yard controls. Zoning envelope controls shall be as follows:
 - (a) Minimum lot width and frontage: 50 feet.
 - (b) Minimum lot depth: 100 feet.
 - (c) Minimum habitable floor area (per unit): 450 square feet.
 - (d) Maximum stories: three except that four stories are permitted in the C-1 Districts on Mamaroneck Avenue.
 - (e) Maximum height: 40 feet, except that a maximum height of 50 feet is permitted on Mamaroneck Avenue.
 - (f) Maximum coverage: 30percent, except that a maximum coverage of 35 percent is permitted in the C-1 Districts on Mamaroneck Avenue or for a development that consists of all below-market-rate housing as defined in Article XV.
 - (g) Minimum required yards:
 - [1] Front: 20 feet.
 - [2] Lesser side: 10 feet.
 - [3] Two sides combined: 20 feet.
 - [4] Rear yard: 25 feet.
 - [5] The Planning Board may modify the front yard and rear yard requirements for the rehabilitation of an existing structure if the structure otherwise complies with the C-1 Districts regulations and the Planning Board determines that adequate light, air and open space will be provided for residents of the rehabilitated space.
 - [6] Required side yards must be landscaped.
 - [7] The Planning Board may require that the required side yards be doubled where they are adjacent to a residential district.
 - (h) Minimum setback for parking and driveways: five feet. The setback area required for parking and driveways must be landscaped and the Planning Board may require that the area be doubled where the area is adjacent to a residential district.)
 - (i) Off-street parking and loading: as required by Article VIII.
 - (j) Open space: 300 square feet per unit, except 200 square feet in-the C-1 Districts on Mamaroneck Avenue and Old White Plains Road.

C. Residence uses in C-2 Districts shall meet the following standards:

- (1) There must be at least five residential units in the building.

- (2) The maximum permitted floor area ratio for residential uses is 2.0. The maximum permitted floor area ratio may be increased in accordance with the bonus provisions of Article XV of this chapter for below-market-rate housing.
- (3) The maximum permitted building height is 45 feet. The maximum permitted building height may be increased in accordance with the bonus provisions of Article XV of this chapter for below-market-rate housing.
- (4) Off-street parking spaces must be provided as required by Article VIII.
- (5) No ground floor space with frontage on Mamaroneck Avenue may be used for residential occupancy.

Section 5.

Section 342-56(A) of the Code of the Village of Mamaroneck is amended by adding the following requirement:

Use	Minimum Number of Spaces
Below-market-rate dwelling units in a multifamily dwelling	3/4 space per dwelling unit plus 1/4 space per bedroom in excess of one.

Section 6.

Section 342-103 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-103 Below market rate requirements and bonus provisions; definitions

- A. In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies as set forth in the Village Comprehensive Plan, below market rate residential units, where required, are subject to the following schedule:

Zoning District	Maximum FAR or coverage - 5 or more units	Percentage Required
C-1	.8	10% of units
C-2	2.0	10% of units
TOD	.8 (up to 1.5 if other TOD incentives are utilized)	10% of units

- B. In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies as set forth in the Village Comprehensive Plan, where below market rate residential units are provided, the development bonuses set forth in the following schedule will apply:

Zoning District	Bonus	Maximum FAR or coverage - 5 or more units	Percentage Required
C-2	.5 FAR	2.5	100% of units

RM-1	20% unit bonus	2,500 square feet of land/unit	50% of bonus
RM-2	20% unit bonus	1,500 square feet of land/unit	50% of bonus
RM-3	20% unit bonus	1,000 square feet of land/unit	50% of bonus

- C. Period of affordability. Owner-occupied below-market-rate dwelling units must remain affordable in accordance with the provisions of this chapter for a period of 99 years. Renter-occupied below-market-rate dwelling units must remain affordable in accordance with the provisions of this chapter for so long as any portion of the site is used for residential purposes.
- D. As used in this Article, the following terms shall have the meanings indicated:

BELOW-MARKET-RATE DWELLING UNIT

A dwelling unit, the rental or sales price of which does not exceed the maximum allowable level established by this Article for below-market-rate families.

BELOW-MARKET-RATE FAMILIES

Families whose aggregate annual income, including the total of all current annual income of all family members from any source whatsoever, but excluding the earnings of those under 21 years of age attending school full time, shall not exceed 80 percent of the actual Westchester County median income (not capped), as defined and periodically updated by the United States Department of Housing and Urban Development (“HUD”), at the time of application, or 120 percent at the time of renewal.

Section 7.

Section 342-104 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-104 Development standards.

- A. Distribution. During the period of affordability established by § 342-103, below market rate dwelling units created under the provisions of this Article may be sold, re-sold or rented only to below-market-rate families, as defined in this Article.
- B. Design. Below market rate dwelling units created under the provisions of this Article must be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two- and three-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Village of Mamaroneck. The below-market-rate dwelling units must not be distinguishable from other market rate units from the outside or building exteriors.
- C. Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the comparable market-rate unit in the building, or the following minimums, whichever are less:
- (1) Efficiency: 450 square feet.

- (2) One bedroom: 650 square feet.
- (3) Two bedrooms: 850 square feet.
- (4) Three bedrooms: 1,100 square feet, including at least 1 1/2 baths.

D. Occupancy guidelines. In renting or selling, the following schedule shall provide guidelines in approving the rental or sale of below-market-rate dwelling units:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
Efficiency	1	1
1	1	2
2	2	4
3	3	6

E. Affirmative marketing. Below-market-rate families shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.

Section 8.

Section 342-107.1 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-107.1 Bonus provisions for the C-2 District.

In order to provide flexibility to the Village in encouraging below-market-rate housing, these additional development bonus provisions are provided for in the C-2 District:

A. Eligibility. The Planning Board may allow the additional development bonuses permitted by this section in accordance with the standards set forth in § 342-50(B) and § 342-107.1(B) if:

- (1) The proposed housing development is undertaken in cooperation with the Village of Mamaroneck through the Village Economic Development Program, a state or local affordable housing program or in conjunction with a not-for-profit corporation whose purpose is the creation of below-market-rate housing; or
- (2) The Board of Trustees has determined that the proposed development will enhance the vitality of the area both by the provision of housing and the provision of ground floor retail and/or office uses.

C. Development standards.

- (1) If 100 percent of the dwelling units in the building are below market rate dwelling units, the building may contain up to six stories, the building height may be up to 60 feet and the floor area ratio (FAR) may be increased to 2.5.
- (2) The maximum yearly rent, excluding utilities, for a below-market-rate dwelling unit shall not exceed 30 percent of, and the maximum gross sales price shall not exceed 2.5 times, the aggregate family income for a below-market-rate family, as defined in this Article, for the maximum size of family eligible for such unit as listed above.

- (3) The applicant must record an instrument, acceptable in form to the Village Attorney, which obligates the owner of the development to maintain the below market dwelling units as affordable for a period of 99 years and that the cap on resale prices must not exceed an appreciation on equity of more than five percent annually.
- (4) The proposed development must be administered in accordance with § 342-107 or by a separate program acceptable to the Village Manager.

Section 9.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 10.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 11.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.